



UNITED STATES PATENT AND TRADEMARK OFFICE

MW
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,064	10/19/2001	Richard H. Norris	Norris 11	3888

7590 01/05/2004

Daniel J. Santos, Esq.
Thomas, Kayden, Horstemeyer & Risley, L.L.P.
Suite 1750
100 Galleria Parkway
Atlanta, GA 30339

EXAMINER

NASRI, JAVAID H

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,064	NORRIS, RICHARD H.	
Examiner		Art Unit	MW
Javaid Nasri		2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 8-14, 17, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art figures 1 and 2.

The admitted prior art figures 1 and 2 discloses a transmission medium (14), an outer jacket (20), disposed about the transmission medium and an end cap (12, 30) swaged on the end of the transmission cable, a conical shape, immovable, seals, a water-blocking material (gel is very commonly used as a water blocking material), a core tube (16), strength members (18), components of the cable, optical fiber.

3. Claims 1, 4, 6-9, 13, 17, 19 and 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Siebe inc/Salisbury (W H) and Co (cited in IDS).

Siebe inc/Salisbury (W H) and Co discloses a transmission medium, an outer jacket, disposed about the transmission medium and an end cap swaged on the end of the transmission cable, a ring (see marked figure attached), immovable, seals, shape.

4. Claims 1, 4, 5, 8, 9, 13, 17, 18, 20 and 21, are rejected under 35 U.S.C. 102(b) as being anticipated by the Hysol Division cable end caps (cited in IDS).

Hysol Division cable end caps discloses a transmission medium, an outer jacket, disposed about the transmission medium and an end cap swaged on the end of the transmission cable, a conical shape, immovable, seals.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art figures 1 and 2.

The admitted prior art figures 1 and 2 discloses all the limitations of claims 1 and 13 as shown above,

However, admitted prior art figures 1 and 2 does not disclose:

a) the cap comprises a metal or aluminum. Official notice is taken bodies of a metal or aluminum is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for the admitted prior art figures 1 and 2 to have end caps comprises a metal or aluminum in order to make the end caps stronger.

Response to Arguments

7. Applicant's arguments filed on 10/14/2003 have been fully considered but they are not persuasive.

a) Regarding applicant's comment that the prior art figures 1 and 2 does not show the feature of an end cap "swaged" on an end of a transmission cable. It should be noted that according to **Merriam Webster's Collegiate Dictionary, Tenth**

Edition 1997, the word “swage” means *a tool used by metal workers for shaping their work by holding it on the work or the work on it and striking with a hammer or sledge*. Therefore the cable cannot be swaged without striking with a force, hence reading the claims in view of the prior art figures 1 and 2, the shape can be changed by the use of force of prior art figures 1 and 2.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 703 308 2710. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see
Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332
(*March 25, 2003*).

Or faxed to: 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

**Crystal Plaza 4, Fourth Floor (receptionist)
2201 South Clark Place, Arlington, Virginia**


Javaid Nasri
Primary Examiner
Art Unit 2839



jhn
December 29, 2003